IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 8095 of 2002

Between:

K.Yadagiri S/o.K.Rama Swamy
R/o.8-283 Karmanghat
Maitripuram Colony Ranga Reddy District.

..... PETITIONER

AND

1 The Registrar (Admn)
A.P.High Court of Hyderabad
2 The Hon'ble Chief Judge
City Civil Court, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or more particularly one in the nature of Writ of Certiorari, call for the records in order ROC No.2661/2001-C-I. (1), Dt.6-4-2002 and quash the same.

Counsel for the Petitioner: MR.V.RAJA MANOHAR

Counsel for the Respondents: MR.C.V.NAGARJUNA REDDY

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Petitioner is questioning the proceedings dated 6-4-2002 of the respondent No.1 rejecting the petitioner's representation by which petitioner had sought for promotion to the post of Bailiff under scheduled tribe category.

Petitioner is a Process Server. The posts of Record Assistant, Attender and Process Server are the feeder posts to the post of Bailiff, to be filled on promotion. Respondents have denied the petitioner's claim that he is eligible to be appointed as Amin/Bailiff by recruitment by transfer since he belongs to scheduled tribe category. It is stated in the counter affidavit that as per the common seniority list in the categories of Attenders and Process Servers, the petitioner stands at Sl.No.107 besides there are nine Record Assistants. For giving promotion as Bailiff, persons working as Record Assistants with requisite qualifications and eligible for promotion have to be considered first and then the eligible candidates from the post of

Attenders and Process Servers have to be considered. There is no provision for giving out of turn promotion ignoring seniority. Rule of reservation is provided for direct recruitment and is not applicable to promotion or to the first appointment of a person recruited by transfer. Once Rules do not provide for such reservation in promotion or the first appointment by transfer, there is no substance in the writ petition more particularly in view of the ratio of the decision of this Court in ABST EMPLOYEES' WELFARE ASSOCIATION vs ANDHRA BANK, HYDERABAD [2001 (4) ALD 153].

Petition dismissed.

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DEVINDER GUPTA, CJ

29-12-2004

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M.NARAYANA REDDY, J

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To

1 The Registrar (Admn)
A.P.High Court of Hyderabad
2 The Hon'ble Chief Judge
City Civil Court, Hyderabad

3 The Section Officer, 'C' Section, High Court of A.P.,

Hyderabad (OUT).

4 The Section Incharge, Legal Cell, High Court of A.P., Hyderabad.